

**FILED**

**JUN 12 2013**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRESTON KINDNESS,

Defendant.

Case No. CR 13-37-GF-DLC-RKS

FINDINGS RECOMMENDATION  
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Assault Resulting In Serious Bodily Injury in violation of 18 U.S.C. §1153(a), 113(a)(6), as set forth in the Indictment. Defendant further agrees to the forfeiture of a .40 caliber Smith and Wesson handgun as specified in the Plea Agreement. In exchange for Defendant's plea, the United States has agreed to dismiss counts II and III of the Indictment previously filed in this matter.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal count charged against him, and an

informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

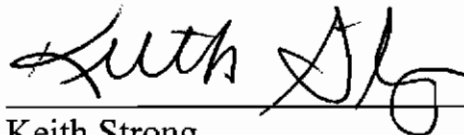
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal count charged against him, and admitting to the allegation of forfeiture;

5. That both his plea of guilty to the criminal count charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal count charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the criminal charge set forth in the Indictment, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant. Finally, I recommend that Counts II and III of the Indictment be dismissed.

**This report is forwarded with the recommendation that the Court defer  
a decision regarding acceptance until the Court has reviewed the Plea  
Agreement and the presentence report.**

DATED this 12th day of June, 2013.

A handwritten signature in black ink, appearing to read "Keith Strong", written over a horizontal line.

Keith Strong  
United States Magistrate Judge